

**CHAPTER 1087****LITTERING AND ILLEGAL SOLID WASTE DISPOSAL***S.F. 2319*

**AN ACT** relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455B.307A, subsection 3, Code 2005, is amended to read as follows:

3. A person who violates this section is subject to a civil penalty not to exceed ~~five hundred one thousand~~ dollars for each violation. The revenue from the penalty provided in this subsection shall be remitted to the treasurer of state for deposit in the general fund of the state. Fifty percent of such moneys are appropriated to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste. The remaining fifty percent of such moneys shall be deposited in the general fund of the county in which the violation occurred to be used exclusively for the cleanup and prevention of illegal dumping.

Sec. 2. Section 602.8108, subsection 2, Code Supplement 2005, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, 8, and 9, and 11, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 3. Section 602.8108, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 11. The state court administrator shall allocate fifty percent of all of the fines attributable to littering citations issued pursuant to sections 321.369, 321.370, and 461A.43 to the treasurer of state for deposit in the general fund of the state and such moneys are appropriated to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste.

Sec. 4. Section 805.8A, subsection 14, paragraph d, Code Supplement 2005, is amended to read as follows:

d. LITTER AND DEBRIS VIOLATIONS. For violations under sections 321.369 and 321.370, the scheduled fine is ~~thirty-five~~ seventy dollars.

Sec. 5. Section 805.8B, subsection 6, paragraph b, Code 2005, is amended to read as follows:

b. For violations under sections 461A.40, ~~461A.43~~, 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

Sec. 6. Section 805.8B, subsection 6, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. For violations under section 461A.43, the scheduled fine is thirty dollars.

Approved April 26, 2006

**CHAPTER 1088****OPEN FEEDLOT OPERATIONS***S.F. 2369*

**AN ACT** relating to requirements for open feedlot operations, by providing for nutrient management plans, stockpiling of solids, and operating permits, and providing an effective date and retroactive applicability.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 459A.102, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. "Designated area" means a known sinkhole, a cistern, an abandoned well, an unplugged agricultural drainage well, an agricultural drainage well surface inlet, a drinking water well, a designated wetland, or a water source. However, "designated area" does not include a terrace tile inlet or surface tile inlet other than an agricultural drainage well surface tile inlet.

NEW SUBSECTION. 8B. "Designated wetland" means the same as defined in section 459.102.

NEW SUBSECTION. 9A. "Grassed waterway" means a natural or constructed channel that is shaped or graded and established with suitable vegetation for the stable conveyance of surface water runoff.

NEW SUBSECTION. 9B. "High-quality water resource" means the same as defined in section 459.102.

NEW SUBSECTION. 20A. "Stockpile" means to store solids from an open feedlot operation outside of an open feedlot operation structure or outside of an area that drains to an open feedlot operation structure.

NEW SUBSECTION. 23. "Water source" means the same as defined in section 459.102.

Sec. 2. NEW SECTION. 459A.202 OPERATING PERMIT REQUIREMENTS.

1. The owner of an open feedlot operation qualifying under this section shall apply for an operating permit on or before July 31, 2007.

2. Except as provided in subsection 3, an open feedlot operation qualifies under this section if all of the following apply:

a. The open feedlot operation commenced operation prior to April 14, 2003, and the physical facilities of the open feedlot operation have not expanded since that date.

b. The open feedlot operation was not required to be issued an operating permit prior to April 14, 2003, but is required to obtain an operating permit on and after that date, pursuant to all of the following:

(1) Rules adopted by the department, including but not limited to rules adopted as part of 567 IAC ch. 65, that were in effect prior to April 14, 2003, and have been subsequently amended.

(2) Regulations adopted by the federal government, including but not limited to the environmental protection agency as a part of 40 C.F.R. pts. 122 and 412, that were in effect prior to April 14, 2003, and have been subsequently amended.

3. An open feedlot operation does not qualify under this section if the open feedlot operation is required by the department to be issued an operating permit only because of special conditions determined applicable by the department according to the results of a departmental evaluation as established by rules adopted by the department.

4. This section is repealed on July 1, 2009.

Sec. 3. Section 459A.205, subsection 3, paragraph a, Code Supplement 2005, is amended to read as follows:

a. For an open feedlot operation submitting an application for a construction permit on or